



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/667,610

09/23/2003

Han Moon

3449-0274P

9760

2292 7590 05/02/2007
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

DESIR, JEAN WICEL

ART UNIT

PAPER NUMBER

2622

NOTIFICATION DATE

DELIVERY MODE

05/02/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/667,610

Applicant(s)

MOON, HAN

Examiner

Jean W. Désir

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/5/07 (Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, 4-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (US 6,806,913).

Claim 1:

Kim disclosed all the claimed invention:

“means for requesting a guidance on a data broadcasting”, see col. 5 lines 20-23, col. 4 lines 57-64;

“means for receiving guidance information provided from an outside in response to the request”, see col. 5 lines 20-29, col. 4 lines 57-64;

“and means for notifying the received guidance information”, see col. 5 lines 28-38,

“wherein the guidance information is extracted from the data broadcasting and wherein the guidance information is used for a user to operate at least one function

Art Unit: 2622

being included in the data broadcasting”, see col. 6 lines 30-54, col. 5 lines 30-67, col. 4 lines 10-25.

Claim 2 is disclosed, see col. 5 lines 20-23, col. 4 lines 57-64.

Claims 4-6 are disclosed, see Fig. 4.

Claims 7, 8 are disclosed, see Fig. 4.

Claims 9, 10 are disclosed, see Fig. 4.

Claim 11 is rejected for the same reasons as claim 1.

Claims 12, 13 are disclosed, see col. 5 lines 20-29, col. 4 lines 57-64.

Claim 14 is disclosed, see Fig. 4.

Claims 15, 16 are rejected for the same reasons as claims 7, 8.

Claim 17 is rejected for the same reasons as claim 2.

Claim 18 is rejected for the same reasons as claims 4, 5.

Claim 19 is disclosed, see col. 4 lines 57-64, col. 5 lines 20-29.

Claims 20, 21 are rejected for the same reasons as claims 9, 10.

Claim 22 is rejected for the same reasons as claim 11.

Claims 23, 24 are rejected for the same reasons as claims 12, 13.

Claim 25 is disclosed, see Fig. 4, col. 7 lines 5-12.

Claim 26 is rejected for the same reasons as claim 17.

Claim 27 is disclosed, see Fig. 4.

Claim 28 is disclosed, see col. 5 lines 17-54, col. 4 lines 10-37.

Claim 29 is disclosed, see Fig. 4, col. 7 lines 5-12.

Art Unit: 2622

3. Claims 1, 2, 4-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al (US 6,766,528).

The applied reference has a common Assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claim 1:

Kim disclosed all the claimed invention:

"means for requesting a guidance on a data broadcasting", see the ABSTRACT, col. 1 line 48, col. 3 line 53 to col. 4 line 5;

"means for receiving guidance information provided from an outside in response to the request", see the ABSTRACT, col. 3 line 53 to col. 4 line 5;

"and means for notifying the received guidance information", see col. 2 lines 33-37, col. 5 lines 48-56,

"wherein the guidance information is extracted from the data broadcasting and wherein the guidance information is used for a user to operate at least one function being included in the data broadcasting", see col. 3 line 53 to col. 4 line 5, col. 5 lines 33-44.

Claim 2 is disclosed, see Figs. 1, 2, item 101, col. 5 lines 59-60.

Claims 4-6 are disclosed, see col. 5 lines 35-40, col. 7 lines 4-9, col. 1 lines 18-23.

Art Unit: 2622

Claims 7, 8 are disclosed, see col. 5 lines 35-40, col. 7 lines 4-9.

Claim 9 is disclosed, see col. 2 lines 33-37, col. 5 lines 48-56.

Claim 10 is disclosed, see col. 5 lines 35-56, col. 7 lines 4-9.

Claim 11 is rejected for the same reasons as claim 1.

Claims 12, 13 are disclosed, see col. 2 lines 33-40, col. 3 line 53 to col. 4 line 5.

Claim 14 is disclosed, see col. 5 lines 35-40, col. 1 lines 18-23.

Claims 15, 16 are rejected for the same reasons as claims 7, 8.

Claim 17 is rejected for the same reasons as claim 2.

Claim 18 is rejected for the same reasons as claims 4, 5.

Claim 19 is disclosed, see col. 5 lines 41-60.

Claims 20, 21 are rejected for the same reasons as claims 9, 10.

Claim 22 is rejected for the same reasons as claim 11.

Claims 23, 24 are rejected for the same reasons as claims 12, 13.

Claim 25 is disclosed, see col. 5 lines 35-40, col. 7 lines 4-9.

Claim 26 is rejected for the same reasons as claim 17.

Claim 27 is disclosed, see col. 5 lines 35-40, col. 7 lines 4-9.

Claim 28 is disclosed, see col. 5 lines 41-60, col. 3 line 53 to col. 4 line 5.

Claim 29 is disclosed, see col. 5 lines 33-44.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al (US 6,806,913) in view of the Background of the instant application.

Claim 30:

Kim disclosed all the limitations of Claim 30 for the same reasons as in the rejection of claim 1, except Kim does not explicitly teach that his system is **based on Java language** as claimed; however, Kim teaches receiving a digital broadcasting signal including audio, video and data broadcasting signals (see col. 1 lines 40-42, Figs. 1, 2, 4) and Kim teaches that his invention can be realized as software using programming executable codes (see col. 7 lines 32-39), that is to say, Kim suggests programming language; and Java language is a notoriously well known programming language in the art (as evidence see Background of the instant application on page 2, paragraph [0005] last line), and Java language is advantageously object-oriented and platform-neutral; thus, an artisan would be motivated to implement Kim's disclosure based on Java language, because the language is readily available to the designer and it is advantageously object-oriented and platform-neutral. Therefore, the claimed invention would have been obvious to a person of ordinary skill in the art at the time the invention was made.

Response to Arguments

6. Applicant's arguments have been fully considered but are moot in view of the new ground of rejection necessitated by the amendment; and reinterpretation of Kim

Art Unit: 2622

(US 6,766,528) necessitated by the amendment, the added limitations have been addressed.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean W. Désir whose telephone number is (571) 272 7344. The examiner can normally be reached on 5/4/9 - First Friday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272 7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2622

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWD

Apr. 26, 07



DAVID OMETZ
SUPERVISORY PATENT EXAMINER